

**UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
DECISION RECORD**

**ENVIRONMENTAL ASSESSMENT
DOI-BLM-MT-M010-2017-0001-EA**

Overpass Ranch MTM 108575

A. Decision

I have decided to authorize the amendment of right-of-way MTM108575 to correct the legal description of the built road. The BLM would offer and amended right of way grant to Overpass Ranch that would allow them or their contractor to operate and maintain and terminate a road (650 foot x 30 foot, 15 feet on either side of the center line, for .46 acres more or less) across BLM lands in Phillips County, Montana (See attached map.) Maintenance of the road will include future blading and the use of gravel on an as needed basis. A panel gate and 2 – 12 foot cattleguards will be placed at the approach off of U.S. Highway 2. This road will be used as primary access to private property , as described in Alternative B – Proposed action in the environmental Analysis (EA) DOI-BLM-MT-M010-2017-0001-EA. The project is located on public lands in Phillips County, Montana.

This decision is subject to the following terms and conditions / stipulations / etc.

- Equipment needs to be cleaned prior to work within the proposed area and the disturbed areas need to be monitored for any new infestations that may occur as a result of the disturbance. If a new infestation is discovered EDRR (early detection rapid response) protocol needs to be enacted.
- Holder shall remove only the minimum amount of vegetation necessary when blading the road. Topsoil shall be conserved and reused as cover on disturbed areas to facilitate re-growth of vegetation.
- Construction or maintenance activities shall not be performed during periods when the soil is too wet to adequately support equipment/vehicles. If such equipment/vehicles create ruts in excess of 3” deep, the soil shall be deemed too wet to adequately support construction equipment/vehicles.
- If safety, disrepair, erosion and/or rutting problems are discovered along the roadway, the holder will be responsible to repair, improve and/or maintain the roadway to assure safety, stability and to minimize soil erosion/rutting. Equipment needs to be cleaned prior to work within the proposed area and the disturbed areas need to be monitored for any new infestations that may occur as a result of the disturbance. If a new infestation is discovered EDRR (early detection rapid response) protocol needs to be enacted.
- Disturbed areas outside of the 30’ ROW will be reseeded with a BLM recommended desirable species seed mix.

The amended authorization will be effective on the date the right-of-way amended grant is signed by the authorized officer.

B. Rationale for the Decision

My decision will allow for the operation, maintenance and termination of a road and associated cattleguard and panel gate across BLM administered lands in response to a FLPMA land use permit request. The terms and conditions applied to this authorization will help ensure that surface resources are protected.

My decision is consistent with BLM policy and federal regulations.

C. Authority(ies)

The authority for this decision is contained in Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) (FLPMA), 43 Code of Federal Regulations (CFR) 2800, and 43 CFR 2880.

D. Plan Conformance and Consistency

The proposed action has been reviewed and found to be in conformance with the land use decisions in the HiLine Resource Management Plan (RMP) (2015). A Finding of No Significant Impact (FONSI) was prepared for the EA and determined that the proposed action will not have significant effects on the quality of the human environment or cause unnecessary or undue degradation of the natural environment.

E. Public Involvement

No public comment period was provided for this EA, but notice of this EA process was posted on the the BLM ePlanning NEPA Register website under *DOI-BLM-MT-M010-2017-0001-EA* at https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do.

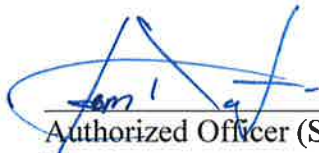
F. Administrative Remedies

If you believe that you have been affected adversely by this decision, or that you believe the decision is incorrect, you may have the right to appeal this decision.

This decision may be appealed to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. If an appeal is taken, your notice of appeal must be filed in the HiLine District Office, 1101 15th Street North, Great Falls, MT 59401 within 30 days of this decision. A copy of the notice of appeal and any statement or reasons, written arguments, or briefs must also be served on the Office of the Solicitor at the USDI Field Solicitor's Office, P.O. Box 31394, Billings, MT 59107-1394. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition, pursuant to regulation 43 CFR 4.21, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for

a stay must accompany your notice of appeal. The provisions of 43 CFR 4.21(b) defines the standards and procedures for filing a petition to obtain a stay pending appeal.

A handwritten signature in blue ink, appearing to read "Tom Darrington", is written over a horizontal line.

Authorized Officer (Signature)

2-8-17

Date

Name: Tom Darrington

Title: Malta Field Manager